

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22788 of 2006

Dated:03.11.2006

Between:

Anaparthi Rose land.

...Petitioner

and

The District Collector and others.

...Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22788 of 2006

ORDER:

The petitioner is statedly in possession of land admeasuring 0.02½ cents in Plot No.38 in Survey No.354/1C-2 situated at Ongole. The said land was assigned to her on 17.01.2005. When the petitioner started construction of the house in the site allotted to her, Bairapogu Krupa Rao and Jyothula Sambaiah raised objections. The petitioner then approached the civil Court and filed O.S.No.264 of 2005 and obtained *ad interim* injunction restraining the defendants therein from interfering with her possession. The petitioner alleges that subsequently she also impleaded the Mandal Revenue Officer and the District Collector and filed another suit, being O.S.No.858 of 2005, on the file of the Court of the Principal Junior Civil Judge, Ongole. It appears, the same was decreed in the petitioner's favour. But still it is alleged that respondents 5 and 6 with the support of the local M.L.A are preventing the petitioner from proceeding with the construction. She approached the third respondent requesting Police protection while construction is on. Alleging that the same was not disposed of, the present Writ Petition is filed.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Revenue (Assignment).

As rightly pointed out by the learned Government Pleader, the petitioner has already filed two suits to protect her possession and obtained *ad interim* injunction order. When the matter is pending in the civil Court, unless and until a specific cognizable offence is alleged

against respondents 5 and 6, no direction can be given to respondents 3 and 4 to take necessary action against respondents 5 and 6 or grant protection. If there is any interference by any third parties, the petitioner can seek appropriate orders in the pending suits.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

03.11.2006

vs